

**JUDGE BRUCE E. WILLIAMS
COURTROOM #4
CIVIL JURY TRIAL DOCKET
NOVEMBER 28, 2005
9:00 A.M.**

*SEE ATTACHED EXHIBIT "A," TRIAL MANAGEMENT ORDER,
ORDER FOR PREPARATION OF JURY INSTRUCTIONS AND
SCHEDULING ORDER FOR SUBMISSION OF MOTIONS AND BRIEFS
(UNLESS ORDERED/NOTICED PREVIOUSLY).*

CV 02-1456	Gail H. Downs as Administratrix v. Of the Estate of Douglas C. Holt, M.D., deceased (Shay Samples)	Huntsville Cardiothoracic Surgeons, Richard L. Clay, M.D., et al (Frank Stakely/Michael Florie)
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CV 03-678	Anthony L. Holt (Robert Patterson)	v. Southern Haulers LLC, et al (David Wilson/W. Crowson)
<i>Count II</i>		
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CV 00-810.80	Terrell Telfare (J. Lampley)	v. City of Huntsville, et al (G. Royer-M. Fees-G. Burgess)
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CV 03-1979	Randy David Milam as personal Rep. of the Estate of Cathy Sisk (D. Simpson-E. Moore)	v. Brent Woodard, et al (Gary Grace)
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CV 04-980	Nicole Mallisham (J. Barton Warren)	v. Michael Curtis Bragg (Ruth Ann Hall)
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CV 04-1058	John Defourneaux, et al (Phillip Gibson)	v. Douglas Alan Barry (Roger Varner-B. Slaughter)

Judge Bruce E. Williams
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CV 01-566.80 Alicia Massey
(Phillip Gibson)

v. Krispy Kreme Doughnut Corp.
(Steven Stastny-S. Bullock)

CV 04-1350 Nora Hunt
(M. Auffenorde)

v. Mullins Enterprises, Inc. d/b/a
Mullins Drive In
(Paige H. Sykes)

CV 04-1530 Carl Lemaster
(James Foley)

v. State Farm Mutual Auto Ins. Co.
(Ruth Ann Hall)

CV 04-1576 Carolyn Rogers
(D. Milburn Gross)

v. Paul Matthew Rogers
(Mark Debro)

**ANY CASE THAT IS SETTLED PRIOR TO TRIAL OR DURING TRIAL WEEK MUST HAVE APPROPRIATE
ORDERS SUBMITTED WITHIN TEN (10) DAYS OF THE END OF THE TRIAL WEEK OR THE ACTION WILL
BE DISMISSED BY THE COURT.**

J Nov 28
08/31/05

ORDER FOR PREPARATION OF JURY INSTRUCTIONS

Judge Bruce E. Williams

All proposed jury instructions are required to be filed and served at least seven (7) days before trial begins. Jury instructions are to be submitted in the following format:

a. The parties are required to jointly submit one set of agreed upon instructions. To accomplish this, the parties are required to serve their proposed instructions upon each other two (2) weeks prior to trial. The parties should then meet, confer, and submit to the Court one set of agreed upon instructions.

b. If the parties cannot agree upon one complete set of instructions, they are required to submit one set of those instructions that have been agreed upon, and each party should submit a supplemental set of instructions which are not agreed upon.

c. These joint instructions and supplemental instructions must be filed one (1) week prior to trial. Each party should then file, at least two (2) days before trial, objections to the non-agreed upon instruction(s) proposed by the opposing party. Any and all objections must be in writing and must set forth the proposed instruction(s) objected to in its entirety. The objections should then specifically set forth the objectionable material in the proposed instruction(s). The objection must contain citation to authority explaining why the instruction(s) is improper and a concise statement of argument concerning the instruction(s). Where applicable, the objecting party must submit an alternative instruction(s) covering the subject or principle of law.

d. The parties are required to submit the proposed joint set of instructions and proposed supplemental instruction in the following format:

1. Each page should indicate the number of the proposed instruction,
2. The instruction, and
3. The authority supporting the instruction.

e. On the day of trial, the parties may submit a concise argument supporting the appropriateness of each party's proposed instructions to which the opposing party objected.

f. All instructions should be short, concise, understandable, and neutral statements of law. Argumentative or formula instructions are improper, will not be given, and should not be submitted.

g. Parties should also note that any modifications to instructions from statutory authority, Alabama Pattern Jury Instructions, or any other form instructions, must specifically state the modification made to the original form instruction and the authority supporting the modification.

h. Failure to comply with any of the above instructions may subject the non-complying party and/or its attorney(s) to sanctions.

DONE and entered this the 2nd day of September, 2005.

/s/
BRUCE E. WILLIAMS, Circuit Judge

TRIAL MANAGEMENT ORDER AND FORMAT
JUDGE BRUCE E. WILLIAMS

INSTRUCTIONS TO ATTORNEYS AND/OR PARTIES: It is hereby **ordered** that at least ten (10) days prior to any final hearing in this matter, attorneys and/or parties must individually review, meet and confer concerning the submission of a proposed Trial Management Order. All requested information as set forth herein must be provided or its absence explained. Attachments may be used where appropriate. **THE COMPLETED PROPOSED ORDER SHALL BE FILED WITH THIS COURT NOT LATER THAN SEVEN (7) DAYS PRIOR TO ANY STATUS CONFERENCE OR TRIAL.** The proposed orders shall be signed and dated by all attorneys (or parties, if not represented). Failure to meet and confer in good faith or return the completed proposed order to this Court may result in sanctions.

The format of the proposed order shall be as follows:

- a) Nature of Case:
 - 1. Plaintiff alleges the following:
 - 2. Defendant alleges the following:
- b) Statement of Issues:
 - 1. Plaintiff:
 - 2. Defendant:
- c) Discovery will be pursuant to Exhibit "A" which is attached to this notice.
- d) Stipulations:
- e) Pre-trial Motions/Motions in Limine: NO MOTIONS CAN BE FILED WITHIN TEN (10) DAYS OF TRIAL.
 - 1. Each of the parties expect to make the following pre-trial motions (include a brief summary of the motions and authorities relied upon): (Attach list)
 - 2. Each of the parties expect that the following evidentiary objections shall arise during the course of the trial (include a brief summary of the objections and the authorities relied upon): (Attach list)
- f) Conduct of the Trial:
 - 1. Voir dire (in jury cases):
 - 2. Witnesses: Attorney shall arrange in advance for all witnesses to be available as needed in order to ensure that there shall be no interruptions or delays. Any scheduling problems must be brought to the attention of the Court no later than any date scheduled for status conference of this case.
- g) Instructions in jury cases: SEE ATTACHED ORDER
- h) Verdict Forms (in jury cases): Proposed verdict forms will be filed with the Court at least seven (7) days prior to trial.
- i) Other Special Requests:
- j) Each party will submit exhibits list to both Judge and Court Reporter prior to trial.
- k) Signatures of Counsel (or parties, if not represented):
- l) Signature line for Judge.

DONE and entered this the 2nd day of September, 2005.

/s/
BRUCE E. WILLIAMS, Circuit Judge

SCHEDULING ORDER FOR SUBMISSION OF MOTIONS AND BRIEFS
JUDGE BRUCE E. WILLIAMS

PURSUANT to Rule 16 of the Alabama Rules of Civil Procedure, the Court sets forth the following as the deadlines for the filing of dispositive motions:

1. All motions for summary judgment are to be filed no later than 5:00 p.m. on October 4, 2005.
2. All responses to fully submitted motions for summary judgment are to be filed no later than 5:00 p.m. on October 19, 2005.
3. Any reply briefs thereto are to be filed no later than 5:00 p.m. on October 26, 2005.
4. If not already set, a hearing date on motions is tentatively scheduled for November 4, 2005, or later. Parties will be notified of hearing date by the Court.

DONE this the 2nd day of September, 2005.

/s/

BRUCE E. WILLIAMS
Circuit Judge